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# EXTENDING FOSTER CARE FOR TRANSITIONING YOUTH

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## A. Extended Jurisdiction

Federal law (Fostering Connections Act) allows a youth to voluntarily remain in foster care after their 18th birthday – referred to as "Extended Foster Care", if they meet certain requirements such as staying in school, working, or participating in a job training program. Extended Foster Care is eligible for Title IV-E funding from the federal government until the youth's 21st birthday. Any court with jurisdiction over a youth on the day before they turn 18 will automatically continue to have jurisdiction of the youth beyond the 18th birthday for at least six months. Per [Tex. Fam. Code § 263.601 et seq.](#), the court must conduct periodic hearings every six months, and must make specific findings. The court must also maintain jurisdiction over the youth age 18 or older who temporarily leaves foster care for a "trial independence" period so that if/when the youth returns to foster care, the youth (and the State) will not lose eligibility for federal funding. This statutory structure assists the child welfare agency in ensuring federal funding to assist with extended foster care services. Without it, DFPS would not be able to serve many of the youth who leave foster care after turning 18 and later find they need to return to care for additional supports and services while they transition to independence.

## B. Trial Independence

Trial Independence, found in [Texas Family Code § 263.6015](#), allows youth to voluntarily exit foster care after their 18th birthday, and then decide to voluntarily return to foster care within six months (or within a 12 month period if authorized by a court order) for additional support. The court retaining jurisdiction allows DFPS to draw down federal dollars to help provide services to youth who exit and later return to care. If a Trial Independence period is ending, and the youth does not wish to return to Extended Foster Care, the Court can still keep the case open, and the Court can maintain jurisdiction up to age 21, upon request by the youth. [Tex. Fam. Code § 263.6015](#).

## C. Supervised Independent Living

Supervised independent living allows a youth to live in residential foster care in a more independent setting, but these placements are not required to be regulated/licensed child-care facilities (e.g., possibly a college dorm). Children who live in an "approved" supervised independent living setting will be eligible for Title IV-E funding.

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CPS does not supervise the youth's living situation or maintain contact unless the youth is receiving transitional living services such as the Transitional Living Allowance and Aftercare Room and Board, Education and Training Voucher, and Aftercare Case management.

For more information, please see the [Extended Court Jurisdiction Flowchart](#), [Extended Jurisdiction Matrix](#), and the [Transitional Living Services Handout](#) developed by DFPS.<sup>48</sup>